

REMARKS

Claims 14-21 remain pending in this application. None of the claims were amended in this response. Favorable reconsideration is respectfully requested. In light of re-assertion of the *Gorsuch* reference, discussed below, Applicant requests an Examiner Interview to discuss the present rejection. Applicant kindly requests that the Examiner contact the undersigned to arrange an appropriate time in which to conduct the interview, if necessary.

Claims 19-25 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Claims 14, 15, and 17 were rejected under 35 U.S.C. §102(e) as being anticipated by *Gorsuch* (US Patent 6,151,332). Claims 16 and 18 were rejected under 35 U.S.C §103(a) as being unpatentable over *Gorsuch* (US Patent 6,151,332). Applicant respectfully traverses these rejections. Applicant also notes that *Gorsuch* was previously asserted in the Office Action dated December 7, 2005, and successfully traversed by Applicant in the subsequent response.

The Response to Arguments suggests that the sole distinguishing feature of the present application is the recitation of a variable data rate (see page 4, paragraph 6). Applicant respectfully submits that this is one of numerous claimed features that distinguish the present claims from *Gorsuch*, as well as the cited prior art. Specifically, *Gorsuch* fails to teach "a control unit for removing the filling data contained in the data stream with the constant data rate and for reformatting the useful data contained in the data stream into a format compatible with a data stream with a variable data rate via a packet-oriented connection by embedding the useful data into the transmission format of the packet-oriented connection, wherein said variable data rate corresponds to a variable transmission bandwidth available for the connection" as recited in claim 14, and similarly recited in claim 17.

Regarding *Gorsuch*, the reference teaches a technique for integrating services digital network (ISDN) and code division multiple access (CDMA) digital wireless communication protocols by a technique that strips off lower protocol layers, such as layers one and two of the ISDN protocol and sending only layer three and above messages over a more efficient wireless protocol (see Abstract, claim 1). This is done in order to avoid continuously supporting at least a

192kbps data rate throughout the duration of an end-to-end network connection, whether or not data actually needs to be transmitted (col. 5, lines 31-39). Under *Gorsuch*, the CDMA transceiver 140 "loops back" continuous synchronous data bits over the ISDN communication path to spoof the terminal equipment 110, 112 into believing that a sufficiently wide wireless communication path 160 is continuously available. However, only when there is actually data present on the terminal equipment to the wireless transceiver 140 does the side bandwidth be allocated. Accordingly, the network layer need not allocate the assigned wireless bandwidth over the radio channels 160 for the entirety of the network layer communications session. In other words, when data is not being transmitted between the portable computer 110 and the remote node bandwidth management function 235 deallocates initially assigned radio channel bandwidth 160 and makes it available for another transceiver and another subscriber unit 101 (col. 5, lines 39-55).

Gorsuch further teaches that during operation, the reverse link 420 first accepts channel data from the ISDN modem 120 over the U interface and forwards it to the ISDN reverse spoofer 432, where echo bits are removed from data received and sent to the forward spoofer 432. The remaining layer three and higher level bits are used as useful data for transmission over a wireless link (col. 6, lines 32-40). During transmission, radio channels are partitioned into constant narrow bandwidths (e.g., 8kbps) and are subsequently multiplexed to a particular network layer connection, depending on the demand (col. 6, line 62 - col. 7, line 11).

It is thus clear that *Gorsuch* does not teach nor suggest "a data stream with a variable data rate" as each data stream (i.e., radio channel) in *Gorsuch* is set at a constant rate. Furthermore, the teaching in *Gorsuch* is clear that the end-to-end communications occur over an ISDN network, which the Office Action has conceded numerous time, is a "circuit-switched network having a constant rate transmission" (see page 3, lines 3-4 of the current Office Action; page 2 of the 12/07/05 office action, paragraph 3). Thus, *Gorsuch* also cannot teach reformatting the useful data via a packet-oriented connection as required by the presently amended claims. Moreover, it is clear from the claims that *Gorsuch* also does not teach reformatting the useful data by embedding the useful data into the transmission format of the packet-oriented connection.

It is not understood how col. 4, lines 31-42 in *Gorsuch* is alleged to teach "reformatting

the useful data contained in the data stream into a format compatible with a data stream with a variable data rate via a packet-oriented connection by embedding the useful data into the transmission format of the packet-oriented connection.” As explained above, these features are clearly not disclosed - the “variable bandwidth” does not occur by any embedding and reformatting data streams, but instead occurs by multiplexing multiple constant bandwidth channels (col. 7, lines 1-11). For at least these reasons, Applicant submits the rejection is improper and should be withdrawn.

In light of the above, Applicants respectfully submit that the present claims are allowable. Accordingly, Applicants submit that the rejections under 35 U.S.C. §102 and §103 are traversed and should be withdrawn. An early Notice of Allowance is earnestly requested. If any fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket number (112740-113) on the account statement.

Respectfully submitted,

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